REMARKS

The present invention is a method of authenticating an action performed at a control point by a user involving a token which is issued to the user and which is involved with the user performing the actions; a method of authenticating a control point involving an action performed by the control point by a user involving a token which is issued to the user of the token and which is involved with the user performing the action; a method of authenticating an action performed by a control point by a user involving a token which is issued to the user and which is involved with the user performing the action; and a device for authenticating a control point involving an action performed by the control point by a user involving the device which is issued to the user of the device and which is involved with the user performing the action. A method of authenticating an action, such as a financial transaction or access control performed at a control point 40 by a user 20 involving a token 50 which is issued to the user and which is involved with the user performing the action includes using the token to authenticate the user to the control point to perform the action using the control point as described on page 5, lines 3-20, of the specification; and using the token to authenticate the control point to perform the action as described at page 7, lines 5-21, of the specification; and wherein the token is a mobile wireless communication device and a token issuer issues the token to the user and authenticating the control point occurs between the token and token issuer.

Claim 22 stands rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 22 has been amended to refer to "said authentication" which has antecedent basis in claim 20 where reference is made to "for performing authentication of the control point". Accordingly, it is submitted that claim 22 is definite.

Claims 1, 2, 4-12, 14-24 and 26-32 stand rejected under 35 USC §102 as being anticipated by U.S. Patent No. 6,463,534 (Geiger et al.). With respect to claim 1, the Examiner reasons as follows:

> Referring to claims 1, 6, 9, Geiger discloses a secure wireless electronic commerce system wherein a certificate authority is accessible by a mobile wireless client device (Abstract, Fig. 1), which meets the limitation of a token being a mobile wireless communication device. A digital certificate is delivered from the attribute authority to the wireless device, the attribute authority is verified to the wireless client device using the digital certificate (Abstract), which meets the limitation of using the token to authenticate said control point to perform the action, notifying said user whether said control point has authorization for said action. To perform the transaction the wireless device transmits a certificate to the attribute authority that verifies the device (Col. 18, lines 62-68), which meets the limitation of using the token to authenticate the user to the control point to perform the action using the control point, control point authorizing said action based on information provided by said token.

It is noted further that the Examiner's description of independent claims 10, 20 and 23 is substantively similar. These grounds of rejection are traversed for the following reasons.

Each of the independent claims 1, 10, 20 and 23 has been amended to recite a token issuer issues the token to the user and authenticating the control point occurs between the token and token issuer. This subject matter has no counterpart in Geiger et al.

It is noted that in the discussion of the rejection of the claims 2, 12 and 24, the Examiner has stated that Geiger discloses that mobile wireless communication devices are issued to the users (Col. 7, Lines 4-5), which meets the limitation of a token issuer issuing said token to said user, and wherein said authenticating the control point occurs on-line between said token and said token issuer.

In the Examiner's discussion of the rejection in the first paragraph of Section 7, the Examiner has indicated that the wireless client device "meets the limitation of a token being a mobile wireless device" and "the attribute authority is verified to the wireless client device using the digital certificate (Abstract), which meets the limitation of using the token to authenticate said control point to perform the action, notifying said user whether said control point has authorization for said action." Therefore, it is seen that the Examiner has construed the teachings of Geiger et al., such that the wireless device is the token and further the reference to a repair shop is considered to be the control point. Moreover, it is noted that the Examiner has not otherwise discussed the limitation in independent claims 1, 10, 20 and 23 which recites in the preamble that "a user involving a token which is issued to the user." Therefore, it is seen that the system of Geiger et al., which discloses an electronic commerce system 10 comprising a certificate authority 15, web server 16, software server 17 and WAP proxy server 18 is not the token issuer. The electronic commerce system 10 operation does not have a token issuer except for the Examiner's reference to a repair shop transferring "all of the contents of the existing phone (software and Product Certificates) into the new one" as referred to in the referenced portion of Column 7.

Geiger et al.'s wireless electronic commerce system is part of the certificate authority 400 which includes attribute authority 404, 405 and 406 which is accessible by the wireless client 450 and 452 as illustrated in Fig. 4. However, there is no description therein of the issuer of the token.

Each of the independent claims, as stated above, has been amended to contain the subject matter of canceled claims 2, 12 and 24, which has no counterpart in Geiger. Moreover, there is no basis in the record why a person of ordinary skill in the art would be led to modify Geiger to provide "a method of authenticating an

action performed at a control point by a user involving a token which is issued to the issuer and which is involved with the user performing the action," as recited in claim 1; "a method of authenticating a control point involving an action performed by the control point by a user involving a token which is issued to the user of the token and which is involved with the user performing the action," as recited in claim 10; "a method of authenticating an action performed by a control point by a user involving a token which is issued to the user and which is involved with the user performing the action," as recited in claim 20; and "a device for authenticating a control point involving an action by the control point by a user involving the device which is issued to the user and which is involved with the user performing the action," as recited in claim 23 except by impermissible hindsight.

The Examiner's construction of an entity associated with the electronic system of Geiger et al., as being the repair shop of Column 7, does not meet the subject matter of the independent claims involving the recitation of a token issuer issuing the token to the user and authenticating the control point occurs between the token and the token issuer. This construction requires the authentication to be performed by the repair shop. As may be seen, the Examiner has considered the attribute authority being verified to the wireless client using the digital certification to meet the limitation of using the token to authenticate the control point and further the wireless device transmits a certificate to the certificate authority that verifies the device to meet the limitation of using the token to authenticate the user to the control point. This does not meet the claimed authentication of the control point occurring between the token and the token issuer when the repair shop is the token issuer. Moreover, there is no basis in the record why a person of ordinary skill in the art would be led to modify the teachings of Geiger et al. to arrive at the subject matter of the independent claims.

Claims 4 and 14, respectively, further limit claims 1 and 10 in reciting that the mobile communication device communicates with the token issuer using a wireless communication path. This subject matter is also not anticipated by Geiger et al. since, as pointed out above, the token issuer if construed to be an entity such as the repair shop does not meet the subject matter of the independent claims for the reasons set forth above.

Dependent claim 5 recites wherein said token communicates with said token issuer using a wireless communication network of said control point. Claim 5 is not anticipated by Geiger et al. for the reason that with the Examiner's construction of the entity such as a repair shop being the issuer, there is no disclosure in Geiger et al. of the entity such as the repair shop "using a wireless communication network of said control point" which the Examiner has previously construed to be the attribute authority of the certificate authority.

Claim 6 further limits claim 1 in reciting that the control point authorizes the action based on information provided by the token. It is noted that the Examiner has generally referred to claim 6 in the discussion of the rejection of claim 1 which cites column 18, lines 62-68. It is submitted that the certificate authority is not described in column 18, lines 62-68 as providing authentication of an action based on information provided by the token which the Examiner has construed the wireless device to be.

Claim 9 further limits claim 1 in reciting authenticating the control point comprises notifying the user whether the control point has authorization for the action. It is noted the Examiner has generally referred to claim 9 in the discussion of the rejection of claim 1 which cites column 18, lines 62-68. It is submitted that Geiger et al. do not disclose this subject matter in the referenced portion of column 18, lines 62-68.

Claim 11 further limits claim 10 in reciting the information is obtained by presenting a token, which performs authentication of the control point. It is further noted that the Examiner has generally referred to claim 11 on page 4 with reference to column 18, lines 62-68. It is submitted that this subject matter is not anticipated by column 18, lines 62-68, Geiger et al. who do not discuss obtaining information by presenting the token which the Examiner has construed the wireless device to be and further is not rendered obvious from Geiger et al.

Claim 15 further limits claim 10 in reciting that the token communicates with the token issuer using a wireless communication network of the control point. Claim 15 is patentable for the same reasons set forth above with respect to claim 5.

Claim 16 further limits claim 10 in reciting the control point authorizes an action based on information provided by the token. Claim 16 is patentable for the same reasons set forth above with respect to claim 10.

Claim 19 further limits claim 10 in reciting that authenticating the control point comprises notifying a user whether said control point has authorization for said action. Claim 19 is patentable for the same reasons set forth above with respect to claim 9.

Claim 21 further limits claim 20 in reciting a control point operator approving the control point and storing data about the control point in a database and the authenticating of the control point comprises comparing the data with information from the token. It is noted that the subject matter of claim 21 has only generally been discussed on page 5 of the Office Action with the Examiner citing column 1, lines 34-45 and column 8, lines 28-45. It is submitted the Geiger et al. do not anticipate or render obvious this subject matter from the referenced parts of Geiger et al. which do not discuss comparing data from a database about the wireless device with information from the wireless device.

Claim 22 further limits claim 20 in reciting storing data about the token in a database and the authentication comprises comparing the data and the information from the token. Claim 22 is patentable for the same reasons set forth above with respect to claim 20.

Claim 29 further limits claim 23 in reciting that the user interface portion notifies the user whether the control point has authorization for the action. Claim 29 is patentable for the same reasons set forth with respect to claims 9 and 19.

Claim 31 further limits claim 23 in reciting a card that connects with the communication portion and the card contains information one of the device and a user. It is noted that the Examiner has only generally discussed claim 31 in the Office Action on page 7 with the Examiner citing column 11, line 64 to column 12, line 8. It is submitted that the subject matter of claim 31 is neither anticipated nor rendered obvious by the referenced portion of Geiger et al. which do not describe a card as claimed.

Finally, claims 8, 18 and 28 further limit claims 1, 16 and 23 in reciting the action comprises access control. It is noted that the Examiner has not discussed claims 8, 18 or 28 or the access control recited therein. The delivery of attributes, which is a content item to the wireless device such as disclosed in the abstract does not anticipate or render obvious the subject matter of claims 8, 18 and 28.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Early allowance thereof is respectfully requested.

If the Examiner believes that there are any matters which can be resolved by way of either a personal or telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

Applicants request any shortage or excess in fees in connection with the filing of this paper, including extension of time fees, and for which no other form of payment is offered, be charged or credited to Deposit Account No. 01-2135 (Case: 0171.38726X00).

Respectfully submitted,
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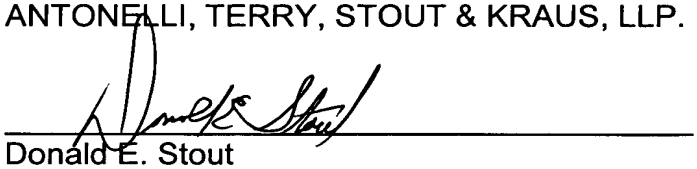

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